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REMARKS

The Examiner has rejected claims 1 through 6 under 35 U.S.C. 102(b), as being anticipated by Stigar-Brown (US patent No. 6,056,705).

There are several fundamental structural and functional differences between the teachings in Stigar-Brown and the claims in the present application. First, the patented clitoral clip clamps clitoris 54. Col. 6, line 58. Here, the labia are clamped with the clip means in independent claims 1 and 4. This is an important difference since the labia is considerably less sensitive and for hands free operation the clamping should be strong enough to carry the weight of the device. This would not be comfortable to a user if the present invention is clamped to the clitoris. Furthermore, if the present invention is clamped to the clitoris, as taught by the Stigar-Brown reference, it would obstruct vagina stimulation including penetration. Finally, Stigar-Brown does not even suggest the use of the labia for any function or structural purpose.

Another structural difference is the at rest position of the clip induced by spring 32. Stigar-Brown's Co. 5, lines 16-18. The at rest position of clamping portions 18 and 24 keeps them at a spaced apart relationship and

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1 these portions are brought together when the action of opening 32 is
2 overcome by the user's grip. This requires constant attention by the user.
3 The Stigar-Brown's patented clitoral clip, as described, cannot be clipped to
4 the labia.

5

6 Finally, with respect to claims 2 and 5 there is no teaching of arm
7 members mounted on vibratory means and providing sufficient gripping
8 action against predetermined areas of the vibrating means.

9

10 With respect to claims 3 and 6, pivotal connection 28 is not an
11 element but rather a reference to a location where gap 30 is defined. Stigar-
12 Brown's Col. 5, lines 12-13. Connection 28 is defined to be at first and
13 second members 12 and 14. In any event, there is no teaching or
14 suggestion of a rigid mounting to the vibrating means. In fact, "pivotal"
15 connection 28 teaches a pivotal function.

16

17 For claim 3, the Examiner compares Stigar-Brown's element 28
18 (pivotal connection) with Norma's rigid curved plate 41. Stigar-Brown's
19 element 28 (pivotal connection) is not even a "plate". Pivotal connection 28
20 is between first (12) and second (14) members where they cross each other.
21 Norma's rigid curved plate 41 has ends 43 and 45 and a central portion (44)

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1 rigidly mounted to the vibrating device (20). The movable arms (50 and 70)
2 are hingedly mounted to the curved plate (41). First and second arm
3 members (50 and 70) cooperate with first and second ends (43 and 45) to
4 provide sufficient grip action to a user's vaginal labia. Stigar-Brown's
5 pivotal connection 28 does not cooperate to provide gripping action. It is
6 only a pivoting point where the vibrator is housed. The gripping action in
7 Stigar-Brown is provided by members 12 and 14 causing to move towards
8 each other so the clamping portions (18 and 24) move together. Neither of
9 members 12 and 14 or clamping portions 18 and 24 could be considered
10 "plates" in anyway, which is a disadvantage of the Stigar-Brown's
11 patented invention because the pointed and sharpened ends could injure
12 the user's labia.

13

14 The Examiner has rejected the claims (1 through 6) under 35 U.S.C.
15 102(b), as being anticipated by Klein (Publication No. 2003/ 0181784). The
16 Examiner's argument is basically that Klein's publication discloses a
17 vibrator with clips and thus it is capable of being used with a user's labia.
18 As discussed above, there is no suggestion in this reference either of using
19 the labia to structurally support the device in a cooperative position for
20 stimulating the clitoris. Klein's device is intended to be clipped on a user's
21 garment, not to her labia. Applicant does not know of any authorities

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1 supporting the proposition advanced by the Examiner, namely if a device
2 is "capable" of functioning in a manner that is not even remotely disclosed,
3 then anticipates a claimed invention.

4

5 The Examiner has rejected claims 1; 2; 4 and 5 under 35 U.S.C. 102(b),
6 as being anticipated by Micro-Vibe (page 11, Adam & Eve catalog from
7 11/29/2001). The Micro-Vibe has spring-biased clips connected to
8 vibrators. The Examiner states that the clips are capable of being used on
9 the labia. However, the catalog shows that the clamps of the Micro-Vibe
10 are intended to be attached to the nipples. Also, the vibrator makes the
11 clamps vibrate. This type of clips would transmit vibration to the labia the
12 labia only.

13

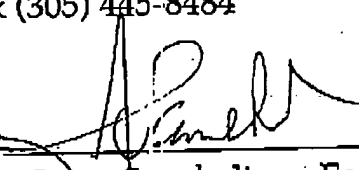
14 It is respectfully submitted that the labia, as an element on the
15 claimed invention, should be given the weight to which it is entitled, even
16 if by itself is not patentable subject matter. In Re Miller, 418 F.2d 1392, 64
17 U.S.P.Q. 46 (CCPA 1969) (The fact that printed matter by itself is not
18 patentable subject matter, because non-statutory, is no reason for ignoring
19 it when the claim is directed to a combination).

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1 Applicant believes his application is now allowable and ready to be
2 passed to publication and requests an early favorable action.

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4 Respectfully submitted,
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